

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

DONNELL WOLFE,	:	
	:	Civil Action No. 10-2083 (PGS)
Plaintiff,	:	
	:	
	:	
v.	:	ORDER
	:	
JENNIFER VELEZ, et al.	:	
	:	
Defendants.	:	

For the reasons expressed in the Court's Opinion filed herewith,

It is on this 4th day of April, 2011,

ORDERED that Plaintiff's amended Complaint (Docket entry no. 5), except his Fourteenth Amendment conditions claim asserting lack of potable water, is DISMISSED WITHOUT PREJUDICE, as against all named defendants, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), for failure to state a claim upon which relief may be granted at this time; and it is further

ORDERED that Plaintiff's Fourteenth Amendment conditions claim asserting lack of potable water, shall proceed at this time as against the named defendants; and it is further

ORDERED that the Clerk of the Court shall issue summons, and the United States Marshal shall serve a copy of the Complaint, summons, and this Order upon the named defendants, pursuant to 28 U.S.C. § 1915(d), with all costs of service advanced by the United States; and it is further

ORDERED that the defendants shall file and serve a responsive pleading within the time specified in Federal Rule of

Civil Procedure 12, pursuant to 42 U.S.C. § 1997e(g)(2); and it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(e)(1) and § 4(a) of Appendix H of the Local Civil Rules, the Clerk shall notify plaintiff of the opportunity to apply in writing to the assigned judge for the appointment of pro bono counsel in accordance with the factors set forth in Tabron v. Grace, 6 F.3d 454 (3d Cir. 1993), cert. denied, 510 U.S. 1196 (1994), which sets forth the requirements for eligibility for appointment of pro bono counsel (in this regard, plaintiff is advised that such appointment is not automatic); and it is further

ORDERED that the Clerk shall enclose with such notice a copy of Appendix H and a form Application for Appointment of Pro Bono Counsel; and it is further

ORDERED that, if at any time plaintiff seeks the appointment of pro bono counsel, pursuant to Fed. R. Civ. P. 5(a) and (d), plaintiff shall (1) serve a copy of the Application for Appointment of Pro Bono Counsel by regular mail upon each party at his last known address or, if the party is represented in this action by an attorney, upon the party's attorney at the attorney's address, and (2) file a Certificate of Service with plaintiff's Application for Pro Bono Counsel; and it is finally

ORDERED that Plaintiff's application for a preliminary injunction (Docket entry no. 8) is DENIED WITHOUT PREJUDICE at this time.

s/Peter G. Sheridan
PETER G. SHERIDAN, U.S.D.J.

April 4, 2011